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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,672	04/13/2001	Robert W. Pries	056267-0003	5622

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EXAMINER

MCDERMOTT, KEVIN

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 12/31/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,672

Applicant(s)

PRIES, ROBERT W.

Examiner

McDermott, Kevin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

- a. Page 25, line 20. Designation "50" does not appear to be in either figure 12 or 13.

Appropriate correction is required.

The abstract of the disclosure is objected to because it contains 177 words.

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

Claims 1, 3, 4, and 15 are objected to because of the following informalities:

- a. Regarding claim 1, lines 4-5 do not appear to make sense.
- b. Regarding claim 3, line 2, it appears that "and" should be inserted between "structures" and "can".

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c. Regarding claim 4, it should end with a period because it is considered to be a sentence.

d. Regarding claim 15, line 1, it appears that "planer" should be corrected to "planar".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9, 12-15, 17, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 4-5 recite "all possible combinations". This is considered vague and indefinite.

Claim 1, line 8, recites the limitation "the sides". There is insufficient antecedent basis for this limitation in the claim.

Claim 1, line 9 recites "in multiple numbers and combinations..." This is considered indefinite.

Claim 1, line 10 recites "customized deviations..." This is considered indefinite.

Claim 1, line 10 recites the limitation "the fundamental design". There is insufficient antecedent basis for this limitation in the claim.

Claim 1, line 10 also recites the limitation "these linkages". There is insufficient antecedent basis for this limitation in the claim.

Claim 1, lines 10-11 recite "regardless of complexity..." This is considered indefinite.

Regarding claim 2, lines 1-2 recite "the inventory of panel shapes are able to be combined". This is considered to be indefinite. Does Applicant intend that each of the panel shapes in the inventory can be combined in a variety of polygons?

Regarding claim 3, lines 2-3 recite "almost limitless ways". This is considered indefinite.

Regarding claim 4, line 4 recites "strut locations", however, struts have not been claimed. This is considered implied claiming.

Claim 4, line 3 also recites "like panels". This is considered indefinite.

Regarding claim 5, line 2 recites "may be". This is considered indefinite.

Claim 5, lines 2-3 recite "the panel assemblage". There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 6, lines 1 and 2 both recite "may be". This is considered indefinite.

Claim 6, line 3 recites "various optional architectural or decorative materials." This is considered indefinite.

Regarding claim 7, lines 2-3 do not appear to make sense.

Regarding claim 8, line 2 recites "the corners Panel". There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 9, lines 1-2 recite "the panel corners". There is insufficient antecedent basis for this limitation in the claim.

Claim 9, recites in lines 3, 4, and 5, "it". This language renders the claim indefinite.

Regarding claim 12, line 2 recites "a convenient location". What is a convenient location? This language renders the claim indefinite.

Claim 12, line 3 recites "facilitating easy linkage". What is an easy linkage? This language renders the claim indefinite.

Regarding claim 13, line 2 recites "for easy connection." What is an easy connection? This language renders the claim indefinite.

Regarding claim 14, line 2 recites "the gap" and "the panel-strut sides." There is insufficient antecedent basis for these limitations in the claim.

Regarding claim 15, "the flat planer element" is recited in lines 1, 3, and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 15, lines 2, 3, and 4 recite "the tubular element". There is insufficient antecedent basis for this limitation in the claim.

Claim 15, lines 2-3 recite "panel strut sides". There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 17, line 2 recites "strut assemblies". There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 18, line 2 recites "a convenient diversity". What is a convenient diversity? This language renders the claim indefinite.

Claim 18, the second half of line 2 does not appear to make sense.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-15, 17, and 18, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Fay.

Regarding claim 1, as best understood, Fay discloses an inventory of plates 10, which Examiner interprets as panel shapes in figures 1-9. Additionally, Fay discloses knuckles 11, which Examiner considers accounting for panel thickness and multiple combinations, for connecting the panels together. The knuckles 11 and pins 12 connect the panels about an axis centered between the panels.

Regarding claims 2 and 3, as best understood, Fay discloses in column 1, lines 28-31, combining the panels 10 to form a variety of designs and figures. Examiner interprets this as including simple polygons.

Regarding claim 4, as best understood, Fay discloses in figure 10, connecting plates 10 together while maintaining a space between the plate 10 sides. Thus, not crowding the axes and vertices about which the plates 10 are joined.

Regarding claim 5, as best understood, Fay, figure 3 shows a plate 10 area between the knuckles 11 and openings 16 which Examiner interprets as a strut integral with the plate 10.

Regarding claim 6, as best understood, Fay discloses in column 4, lines 24-30, covering openings 16 with a decorative transparent sheet 17 or other suitable ornamental material.

Regarding claim 7, as best understood, Fay discloses knuckles 11 located at plate 10 corners and along the plate 10 sides. Examiner interprets the knuckles 11 along the plate 10 sides as constituting one joinery system, and the knuckles 11 located at the plate 10 corners as constituting a second joinery system.

Regarding claim 8, as best understood, Fay discloses in figures 1-8 and column 2, lines 26-31, knuckles 11 located in the space between the plate 10 sides, and the knuckles 11 being shaped into open-ended cylindrical segments of tubing centered on the axis between panels.

Regarding claim 9, as best understood, Fay discloses knuckles 11 having a flat portion leading into a cylindrical portion. Examiner considers the flat portion as constituting a web bridging the space between plates 10.

Regarding claim 10, as best understood, Examiner interprets Fay as inherently disclosing a structural tie between the corners of the panel being joined to create a hub, without occupying space around the common vertices.

Regarding claim 11, as best understood, Examiner interprets Fay as inherently disclosing unobstructed passages for wires or other utility lines from panel to panel. The utility lines can be accommodated between the knuckles 11 and pins 12.

Regarding claim 12, as best understood, Examiner interprets Fay as inherently disclosing a convenient location, defined by the space between the panel corners, for the placement of any type of node.

Regarding claim 13, as best understood, Fay discloses joining plates 10 using knuckles 11 and pins 12. Examiner interprets this as constituting easy connection.

Regarding claims 14 and 15, as best understood, Fay discloses knuckles 11 between plates 10. Examiner interprets these knuckles 11 as constituting brackets bridging the space between plates 10. Additionally, examiner interprets the knuckles 11 as being an element bridging the space between plates 10, and having a flat portion adjacent the plate 10. Consequently, Examiner also considers the knuckles 11 to constitute the element of claim 15 bridging the space between the plates 10.

Regarding claim 17, as best understood, Examiner interprets the knuckles 11 of Fay as constituting brackets. The knuckles 11 of Fay maintain the space between plates 10.

Regarding claim 18, as best understood, Fay discloses in figures 1-9, a convenient diversity of panel shapes and sizes for configuring a building design.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Fay as applied to claims 1, 4, 7, and 14 above.

Regarding claim 16, Fay discloses knuckles 11 being connected by pins 12. Examiner believes it would be obvious to one of ordinary skill in the art at the time the invention was made to use a bolt to connect the knuckles 11, or brackets, of Fay together. One of ordinary skill in the art would have been motivated to modify Fay in order to create a stronger connection between plates 10.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

KM 12/26/01